

# IC 16-41-27 Health, Sanitation, and Safety: Mobile homes

## IC 16-41-27-1 Authority of state department of health

Sec. 1. This chapter recognizes mobile homes and manufactured homes as suitable and necessary dwelling units in Indiana. The state department may do the following:

- (1) Require reasonable standards of health, sanitation, and safety in using the dwelling units.
- (2) Require:
  - (A) persons dwelling in mobile homes and manufactured homes; and
  - (B) mobile home community operators;to comply with the standards.
- (3) Authorize local boards to enforce the standards adopted.

## IC 16-41-27-2 Repealed

## IC 16-41-27-3 Local board

Sec. 3. As used in this chapter, "local board" means a local agency of government authorized to enforce the standards of health and sanitation prescribed for:

- (1) mobile homes and manufactured homes; and
- (2) mobile home communities by the state department.

## IC 16-41-27-3.5 Manufactured home

Sec. 3.5 As used in this chapter, "manufactured home" has the meaning set forth in IC 22-12-1-16. (Which states as follows: "Manufactured home" has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 2003). *According to 42 U.S.C. 5402, a manufactured home means "a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle."*

## IC 16-41-27-4 Mobile home

Sec. 4. As used in this chapter, "mobile home" means a dwelling, including the equipment sold as a part of the dwelling, that:

- (1) is factory assembled;
- (2) is transportable;
- (3) is intended for year-round occupancy;
- (4) is designed for transportation on its own chassis; and
- (5) was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

## IC 16-41-27-5 Mobile home community

Sec. 5. (a) As used in this chapter, "mobile home community", after December 31, 2005, means one (1) or more parcels of land:

- (1) that are subdivided and contain individual lots that are leased or otherwise contracted;
- (2) that are owned, operated, or under the control of one (1) or more persons; and
- (3) on which a total of at least five (5) mobile homes or manufactured homes are located for the purpose of being occupied as principal residences.

(b) The term includes the following:

- (1) All real and personal property used in the operation of the mobile home community.
- (2) A single parcel of land.
- (3) Contiguous but separately owned parcels of land that are jointly operated.
- (4) Parcels of land:
  - (A) that are separated by other parcels of land; and
  - (B) that are:
    - (i) jointly operated; and
    - (ii) connected by a private road.

- (5) One (1) or more parcels of land, if at least two (2) of the mobile homes or manufactured homes located on the land are:
- (A) accessible from a private road or interconnected private roads;
  - (B) served by a common water distribution system; or
  - (C) served by a common sewer or septic system.

#### **IC 16-41-27-6 Repealed**

#### **IC 16-41-27-7 Repealed**

#### **IC 16-41-27-8 Rules**

Sec. 8. (a) Except as provided in subsection (b), the state department may adopt rules under IC 4-22-2 to carry out this chapter, including rules for the following:

- (1) Health, sanitation, and safety.
- (2) Sewage collection.
- (3) Sewage disposal through septic tank absorption fields.

(b) The water board shall adopt rules under IC 4-22-2 concerning the following:

- (1) Public water supplies required for mobile home communities.
- (2) Sewage disposal systems other than septic tank absorption fields.

#### **IC 16-41-27-9 Mobile home park attendants and caretakers**

Sec. 9. A mobile home community must be in the personal charge of an adult attendant or caretaker designated by the owner or operator of the mobile home community at the times when mobile homes and manufactured homes in the mobile home community are occupied by tenants. The caretaker present at the time of a violation of this chapter is equally responsible with the owner or operator of the mobile home community for a violation of this chapter.

#### **IC 16-41-27-10 Mobile home community water supplies**

Sec. 10. A mobile home community shall provide a water supply through the use of a public water system if the water supply is reasonably available within a reasonable distance from the mobile home community. A mobile home community is not required to use a public water system if the water system is more than two thousand (2,000) feet from the mobile home community. If a public water system is not available, water shall be provided by a system approved by the environmental commissioner under rules adopted by the water pollution control board.

#### **IC 16-41-27-11 Mobile home community sewage disposal**

Sec. 11. (a) A mobile home community shall dispose of sewage through the use of a public sewerage system if the sewerage system is available within a reasonable distance from the mobile home community. If a public sewerage system is not available, sewage may be disposed of in accordance with rules adopted under section 8 of this chapter. A water carriage system of collecting sewage shall be used. The mobile home community operator shall require the owner of a mobile home or manufactured home to provide a watertight and odor-tight connection of a type acceptable to the state department under rules adopted by the state department.

(b) All occupied mobile homes and manufactured homes shall be connected to the sewerage system of the mobile home community at all times. All sewer connections not in use must be closed in a manner that does not:

- (1) emit odor; or
- (2) cause a breeding place for flies.

(c) Sewerage systems other than water carriage systems may not be approved for a mobile home community, except nonwater carriage systems may be provided for emergency use only during a temporary failure of a water or an electric system.

#### **IC 16-41-27-12 Mobile home community garbage and trash disposal**

Sec. 12. Suitable garbage containers or a garbage disposal system and trash containers shall be made available in a sanitary manner to each occupied mobile home and manufactured home. The garbage and trash of the mobile home community must be disposed of in a manner approved by the state department.

#### **IC 16-41-27-13 Repealed**

#### **IC 16-41-27-14 Repealed**

#### **IC 16-41-27-15 Streets and parking**

Sec. 15. Streets must be at least ten (10) feet wide and sufficiently wide to prevent vehicular and pedestrian traffic problems. Adequate area must be provided for the parking of vehicles. All roads in a mobile home community shall be maintained to be dust proof. Each mobile home and manufactured home in a mobile home community shall have ready and free access to the road in a community.

#### **IC 16-41-27-16 Animal control**

Sec. 16. Domestic animals and house pets may not be permitted to run at large or commit a nuisance within the limits of a mobile home community.

#### **IC 16-41-27-16.6 Mobile home park weather radios and smoke detectors**

Sec. 16.6. (a) Each year during National Fire Prevention Week, the operator of a mobile home community is encouraged to provide a written reminder to the owners of all manufactured homes in the mobile home community to replace the batteries in all weather radios and smoke detectors contained in their manufactured homes.

(b) Any reminder, assistance, or instructions provided by an operator of a mobile home community concerning the function of a weather radio or smoke detector contained in a manufactured home shall not subject the operator or an owner or employee of the mobile home community to liability for the functionality of that weather radio or smoke detector.

#### **IC 16-41-27-17 Lighting**

Sec. 17. Every part of a mobile home community must be lighted at night.

#### **IC 16-41-27-18 License requirement**

Sec. 18. A mobile home community may not be operated without obtaining a license from the state department.

#### **IC 16-41-27-19 License duration**

Sec. 19. A license to operate a mobile home community shall be issued for four (4) years and expires at midnight on December 31.

#### **IC 16-41-27-20 License application**

Sec. 20. (a) An application for a license to operate a mobile home community must be made to the state department on a form prescribed and furnished by the state department, only after plans for the community have been approved.

(b) If an operator does not apply for the renewal of a license before the date the license expires:

- (1) the license expires on that date; and
- (2) the operator must pay the penalty fee set forth in section 24(b) of this chapter to obtain a new license.

#### **IC 16-41-27-21 Temporary license**

Sec. 21. The state department may license a temporary mobile home community for a period of six (6) months and waive the requirements of this chapter if:

- (1) the failure to comply with this chapter is:
  - (A) for a temporary period of time; and
  - (B) required by public convenience; and
- (2) the operation of the community will not jeopardize the health and welfare of the occupants of the community and the community.

#### **IC 16-41-27-22 Mobile home community construction and alteration**

Sec. 22. (a) The construction of a new mobile home community or alteration of an existing mobile home community shall be made only after plans for the proposed construction or alteration have been forwarded to and approved by the state department.

(b) A public water system may not be constructed or altered in a new or existing mobile home community until plans for the construction or alteration have been forwarded to and approved by the environmental commissioner under rules adopted by the water board.

(c) A sewage collection and disposal system may not be constructed or altered in a new or existing mobile home community until:

- (1) plans for construction or alteration of the sewage collection system and any septic tank absorption field have been forwarded to and approved by the state department under rules adopted by the state department; and
- (2) plans for construction or alteration of any sewage disposal system other than a septic tank absorption field have been forwarded to and approved by the environmental commissioner under rules adopted by the water board.

#### **IC 16-41-27-23 Mobile home park construction and alteration plan approval**

Sec. 23. The state department or the environmental commissioner shall, not more than ninety (90) days after filing, approve plans filed under section 22 of this chapter that comply with this chapter and rules adopted under this chapter.

#### **IC 16-41-27-24 Inspection; penalties**

Sec. 24. (a) An inspection fee must be submitted to the state department with each license application. The fee is two hundred dollars (\$200) for a total of not more than fifty (50) mobile home and manufactured home sites and one hundred fifty dollars (\$150) for each increment of not more than fifty (50) additional sites. Units of state and local government are exempt from the fee.

(b) This subsection does not apply to an application made after an enforcement action. A penalty fee of two hundred dollars (\$200) for not more than fifty (50) mobile home and manufactured home sites and one hundred fifty dollars (\$150) for each increment of not more than fifty (50) additional sites may be imposed by the state department for an application for license renewal filed after the license has expired.

#### **IC 16-41-27-25 Civil penalties and compliance orders**

Sec. 25. (a) The state department shall adopt a schedule of civil penalties that may be levied in an action to enforce the following:

- (1) This chapter.
- (2) The rules of the state department.
- (3) The rules adopted under this chapter by the water board.

(b) A penalty included in the schedule of civil penalties adopted under subsection (a) may not exceed one thousand dollars (\$1,000) per violation per day.

(c) The state department may issue an order of compliance, impose a civil penalty included in the schedule of civil penalties adopted under subsection (a), or both, against a person who:

- (1) fails to comply with this chapter or a rule adopted under this chapter; or
- (2) interferes with or obstructs the state department or the state department's designated agent in the performance of duties under this chapter.

(d) An order of compliance may be issued under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in a proceeding under IC 4-21.5-3-8.

(e) A proceeding to impose a civil penalty may be consolidated with any other proceedings to enforce any of the following:

- (1) This chapter.
- (2) The rules of the state department.
- (3) The rules adopted under this chapter by the water pollution control board.

#### **IC 16-41-27-26 Notice of adverse actions on licenses; enforcement proceedings**

Sec. 26. (a) The state department shall provide a written notice to a mobile home community operator of the following:

- (1) The revocation of the operator's license.
- (2) The denial of the operator's application for a license.
- (3) The denial of the approval of the construction or alteration of a mobile home community.

(b) The notice under subsection (a) must contain the following:

- (1) A statement of the manner in which the operator has failed to comply with the law or rules of the state department.
- (2) The length of time available to correct the violation.

(c) The state department may order an operator to comply with this chapter or rules adopted under this chapter. If an operator fails to comply within the time specified by the order, the state department may initiate proceedings to force compliance in the circuit court in the county of the operator's residence or in the county where the mobile home community is located. The court may grant appropriate relief to ensure compliance with this chapter and rules adopted under this chapter.

#### **IC 16-41-27-27 Inspections**

Sec. 27. The state department or a person designated by the state department may at any reasonable time inspect the premises and take necessary and reasonable steps in a mobile home community to determine whether or not a mobile home community is in compliance with this chapter and rules adopted under section 8 of this chapter.

#### **IC 16-41-27-28 Compliance with administrative adjudication procedures**

Sec. 28. The state department shall comply with IC 4-21.5-3 in a hearing upon the revocation of a license or the refusal to grant a license.

#### **IC 16-41-27-29 Liens**

Sec. 29. (a) Subject to subsection (b), the owner, operator, or caretaker of a mobile home community has a lien upon the property of a guest in the same manner, for the same purposes, and subject to the same restrictions as an innkeeper's lien or a hotel keeper's lien.

(b) With regard to a lienholder:

(1) if the property has a properly perfected secured interest under IC 9-17-6-7; and

(2) the lienholder has notified the owner, operator, or caretaker of the mobile home community of the lienholder's lien by certified mail;

the maximum amount of the innkeeper's lien may not exceed the actual late rent owed for not more than a maximum of sixty (60) days immediately preceding notification by certified mail to the lienholder that the owner of the property has vacated the property or is delinquent in the owner's rent.

(c) If the notification to the lienholder under subsection (b) informs the lienholder that the lienholder will be responsible to the owner, operator, or caretaker of the mobile home community for payment of rent from the time the notice is received until the mobile home or manufactured home is removed from the mobile home community, the lienholder is liable for the payment of rent that accrues after the notification.

#### **IC 16-41-27-30 Ejections from mobile home communities**

Sec. 30. The owner, operator, or caretaker of a mobile home community may eject a person from the premises for any of the following reasons:

(1) Nonpayment of charges or fees for accommodations.

(2) Violation of law or disorderly conduct.

(3) Violation of a rule of the state department relating to mobile home communities.

(4) Violation of a rule of the mobile home community that is publicly posted within the mobile home community.

#### **IC 16-41-27-31 Mobile home community register**

Sec. 31. Each mobile home community operator shall maintain a register open for the inspection of the state department or the state department's representatives containing the following information for each mobile home and manufactured home in a park:

(1) The names and ages of all occupants.

(2) The name of the owner of the mobile home or manufactured home.

#### **IC 16-41-27-32 Licensing and regulation by local authorities prohibited**

Sec. 32. (a) A governmental body other than the state department of health may not license or regulate mobile home communities, except for the following:

(1) Local boards may enforce the standards of health and sanitation prescribed for mobile homes, manufactured homes, and mobile home communities by the state department.

(2) County and municipal authorities within their respective jurisdictions have jurisdiction regarding zoning and building codes and ordinances pertaining to mobile home communities.

(3) Local boards may regulate the construction and operation of groups of a combined total of not more than four (4) mobile homes and manufactured homes, in accordance with standards that are compatible with standards set by the state department for mobile home communities.

(b) A governmental body other than the state department of health may not regulate mobile homes or manufactured homes regarding habitability or minimum housing conditions unless the regulation is applicable in the same manner to other forms of residential housing in the jurisdiction.

(c) A governmental body may not regulate or restrict the use, occupancy, movement, or relocation of a mobile home or manufactured home based upon the age of the mobile home or manufactured home.

#### **IC 16-41-27-33 Transfer of licenses**

Sec. 33. A license to engage in the operation of a mobile home community is transferable only with the consent of the state department. The state department may, upon application, cancel a license issued for the operation of a mobile home community and issue a new license to the transferee for the balance of the license period.

#### **IC 16-41-27-34 Unlicensed operation penalty**

Sec. 34. A person who maintains or operates a mobile home community:

(1) without a license; or

(2) after the revocation of a license;

commits a Class B misdemeanor.